



MINUTES OF THE REGULAR MEETING  
OF THE  
BOARD OF COMMISSIONERS  
FOR THE  
COUNTY OF LEE, STATE OF NORTH CAROLINA

MARCH 19, 2007

---

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 2:00 p.m. in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were Robert H. Brown, James C. Kelly, Jerry M. Lemmond, Nathan E. Paschal, Robert T. Reives, Linda A. Shook, and Amy L. Stevens.

Chairman Brown presided and the following business was transacted:

Dr. Matt Garrett, President of Central Carolina Community College delivered the invocation.

Chairman Brown led the pledge of allegiance.

The following new employees were introduced to the Board:

Ms. Ladean Graham	Health Department
Ms. Susan Stone	Sheriff's Department
Ms. Melissa Lett	Social Services
Ms. Michele Dussault	Social Services
Ms Verenice Soto	Social Services
Mr. Franklin Cunningham	Youth Services
Mr. Richard May	General Services

Ms. Andrea Currin from the Employee Selection Committee introduced Mr. K. R. Hoyle, Lee County Attorney, as the *March 2007 Employee of the Month*. Chairman Brown presented Mr. Hoyle with his awards which include a day off with pay, a *Star Award*, a framed certificate, a pizza, compliments of Papa John's Pizza, Coca Cola products from Sanford Coca Cola Bottling Company, and a movie rental from the Movie Gallery.

The Board considered additions/changes to the agenda. With no additions or changes presented, Commissioner Stevens moved to approve the agenda as presented. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Reives moved to approve the Consent Agenda as presented, which consisted of the following items:

- Minutes from the February 12-13, 2007 Planning Retreat
- Minutes from the February 19, 2007 regular meeting
- Minutes from the February 21, 2007 special meeting
- Minutes from the February 26, 2007 special work session
- Ronald McDonald Charities grant request from Hillcrest Youth Shelter (\$13,000)
- Juvenile Justice Partnership Council grant for Youth Services
- Proclamation for Public Health Week (per attached copy)
- Tax Releases and Refunds for February 2007 (per attached copy)
- Runaway and Homeless Youth grant for Youth Services (\$75,000)
- Resolution Designating Signatures for Lee County accounts (per attached copy)
- Budget amendment # 03/19/07/#15 (per attached copy)
- Support of ICE (Immigration and Naturalization Act) Program for the Sheriff's Department

Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Stevens read aloud the Proclamation for Public Health Week that will be observed April 2-8, 2007.

No one present signed up to speak during the *Public Comments* section of the meeting.

The Board considered a resolution tabled at the last meeting addressing action from the annual Commissioners' Planning Retreat held on February 12-13, 2007 in Broadway. Commissioner Reives stated he had a concern with the

second item listed on the Resolution to “Reaffirm and amend the Rules of Procedure to address the following: (1) items added to the agenda will be voted on by separate motion, and (2) no qualifying needed once the vote is taken”. After some discussion, Commissioner Reives moved to remove the above-referenced item from the Resolution. Upon a vote, the results were as follows:

Aye: Kelly, Lemmond, Paschal, Reives, and Shook

Nay: Brown and Stevens

The Chairman ruled the motion had been adopted by a five to two vote.

Discussion continued in reference to the above-mentioned Resolution. Commissioner Reives questioned the creation of a 911 Advisory Board. Commissioner Shook stated she felt all stakeholders should be included in order to discuss and resolve the 911 software issues proposed by former Fire Marshal Derrick Clouston. Ms. Shook urged the Board to follow through with the creation of a 911 Advisory Board. Commissioner Kelly stated that both sides of the issue need to be heard (from the City and County). Chairman Brown stated it would have to be a cooperative effort between the City and County. After further discussion, Commissioner Stevens moved to adopt the *Resolution to Address Action from the Annual Planning Retreat*, minus the item previously voted upon by Commissioner Reives, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Shook, and Stevens

Nay: Reives

The Chairman ruled the motion had been adopted by a six to one vote.

Chairman Brown asked Interim County Manager Lisa Minter to present a make-up of committee members for the 911 Advisory Board and County Facility Planning Committee for consideration at the next meeting on April 2, 2007.

BRAC representatives Paul Dordal and Donald Belk presented a power-point presentation on the BRAC project and answered questions. No action was taken.

Mr. Mike Watson, Director of the Sandhills Center told Board members Mental Health was not requesting any additional funding from Lee County; they would be requesting the same as in the past two years. Mr. Watson also presented the Sandhills Center Local Business Plan for 2007-2010 in keeping with the requirements of the 2006 NC General Assembly. The Sandhills Center is charged with the task of developing a new three-year Business Plan. The new Plan reflects the Center’s consistent efforts to implement both the spirit and intent of the NC General Assembly’s 2001 State Mental Health Reform mandate. Mr.

Watson stated the 2007-2010 Local Business Plan must be approved by the Sandhills Area Board, the Center's Consumer and Family Advisory Committee and each of the Center's eight County Commissions. The Plan must be submitted to the Secretary of Health and Human Services by March 31, 2007. The implementation date for the approved Plan is July 1, 2007. After some discussion, Commissioner Stevens moved to approve the *Sandhills Center 2007-2010 Business Plan* as presented by Mr. Watson. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a request from the Sanford-Lee County Regional Airport for a loan to construct two 10-unit T-hangars at the airport. Airport representative Bob Heuts addressed the Board and explained the proposed project. Mr. Heuts stated a total of forty-nine T-hangars were completed in 2001 and are almost 100% occupied. There is currently a waiting list for additional hangar space. Total cost of the project is unknown at this time because bids have not been received to date. The City of Sanford will be asked to participate in one-half of the loan amount along with the County of Lee. After some discussion, Commissioner Stevens moved to loan the Sanford-Lee County Regional Airport Authority one-half of the amount needed to construct additional T-hangars, contingent upon approval from the City of Sanford for their portion of the loan, and obtaining a Deed of Trust. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a *First Amendment to the Emergency Medical Services Agreement* between the County of Lee and Central Carolina Hospital. County Attorney K. R. Hoyle told the Board that in September 2006, Tenet Healthcare entered into a Corporate Integrity Agreement (CIA) with the Office of Inspector General of the Department of Health and Human Services. Therefore it is necessary for Central Carolina Hospital to amend certain existing agreements to include a provision regarding its compliance obligation under the CIA. Commissioner Lemmond moved to approve the *First Amendment to the Emergency Medical Services Agreement*, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Finance Director and Interim County Manager Lisa Minter presented the Monthly Financial Report for February 2007 and answered questions. Commissioner Shook moved to accept the Monthly Financial Report as presented by Ms. Minter. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Shook discussed the recent resignation of former County Manager David Smitherman. Ms. Shook questioned the changing date of Mr. Smitherman's resignation which was discussed at the March 14, 2007 special called meeting. Ms. Shook stated she felt the open meetings law had been violated by Chairman Brown. County Attorney K. R. Hoyle stated no policy was broken and Chairman Brown had followed instructions from a number of Commissioners concerning the Manager's resignation. Mr. Hoyle further stated the final resignation measure approved by the Board at the special called meeting was proposed by Mr. Smitherman, and the individual conversations with Commissioners were above board. Mr. Brown stated that no meeting took place with the individuals that had contacted him. No action was taken.

Commissioner Lemmond moved to go into closed session for the purpose of discussing matters relating to the expansion of an industry in Lee County, including agreement on a tentative list of economic development incentives that may be offered by the County in negotiations, per North Carolina General Statute §143-318.11 (a) (4). Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously and the Board was in closed session. After completing business in closed session, Commissioner Reives moved to go out of closed session. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Chairman Brown recessed the meeting until 6:00 p.m.

At 6:00 p.m. the meeting resumed in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina. All Commissioners were present except Commissioner Nathan E. Paschal who had been excused by the Chairman.

Chairman Brown called the meeting to order.

Commissioner Shook asked that the April 2, 2007 meeting time be revised in order to allow her to participate in the Chamber of Commerce meeting scheduled for that date at 11:15 a.m. Commissioner Lemmond moved to change the meeting time from 9:00 a.m. to 8:00 a.m. for the April 2, 2007 meeting. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Reives, Shook, and Stevens  
Nay: None  
Absent: Paschal

Chairman Brown ruled the motion had been adopted unanimously.

Commissioner Stevens moved to advertise for and conduct a public hearing at 8:00 a.m., or as soon as can be reached on the agenda, at the April 2, 2007 meeting, in reference to economic development incentives to Wyeth for the construction of a new Administrative Building at their facility. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Reives, Shook, and Stevens  
Nay: None  
Absent: Paschal

The Chairman ruled the motion had been adopted unanimously.

At this time the Board conducted a public hearing that had been advertised for this date and time in reference to the Capital Improvements Program (CIP) for 2008-2012. Chairman Brown opened the public hearing. Finance Director and Interim County Manager Lisa Minter briefly outlined the CIP.

The following individuals, who are employees or volunteers at Central Carolina Community College, spoke in reference to the need for a new facility to replace the Jonesboro Center:

Mr. John Altenburger  
Ms. Hazel Tysor  
Mr. Oscar Hernandez

Ms. Sue Tipton  
Ms. Helen cotton

Chairman Brown closed the public hearing.

At this time the Board conducted a work session on the Capital Improvement Program (CIP) for 2008-2012. The work session took place in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina. Finance Director and Interim County Manager Lisa Minter told the Board staff needed instructions on how to structure the CIP. The County can finance an additional \$2 million without raising taxes; more than that will warrant a tax increase. The CIP will have to be adopted before a budget can be approved for FY 2007-2008.

Mr. Bill Tatum, Chairman of the Board of Education answered questions from the Board of Commissioners in reference to revised financial information furnished to Ms. Minter that reflected current county procedures requiring that all capital requests less than \$500,000 appear on the annual capital outlay request. The projected costs for restoration of Lee County High School had also been adjusted to reflect Jimmy Hite's proposal.

Assistant County Manager Kenny Cole discussed needed repairs for the San-Lee Dam and the permitting process currently underway for three (3) streams located at the new Industrial Park. Mr. Cole stated that he and County Attorney K. R. Hoyle are in negotiations with ms consultants, inc. in reference to remediation at the Industrial Park.

After further discussion, Commissioner Stevens moved for the Finance Committee to meet and present a recommendation to the full Board in reference to the CIP. (Finance Committee members include Commissioner Robert Reives, Commissioner Bob Brown, Commissioner Jamie Kelly, and Finance Director and Interim Manager Ms. Lisa Minter). Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Reives, Shook, and Stevens  
Nay: None  
Absent: Paschal

The Chairman ruled the motion had been adopted unanimously.

With no further business to come before the Board, Commissioner Kelly moved to adjourn the meeting. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Reives, Shook, and Stevens  
Nay: None  
Absent: Paschal

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned in keeping with the motion.

---

Robert H. Brown, Chairman  
Lee County Board of Commissioners

ATTEST:

---

Gaynell M. Lee, Clerk